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Valenti

If You Can't Protect What's Yours, You Own Nothing

■ **DVDs: Hackers are mass producing and distributing keys to the creative store.**

By **JACK VALENTI**

A case is currently before a federal court in New York that has to be of interest to anyone who believes in the right to protect valuable property. The case involves the efforts of producers of films to stop three Web sites from distributing a program that allows computer users to hack into encrypted digital video discs.

Why should this concern consumers? The answer is simple. If you cannot protect that which you own, you own nothing. If Web sites are allowed to pass along computer "keys" that disarm protective locks, then all copyright-protected work is put in jeopardy.

Every DVD is coded with encryption software. The protection of our creative product is even more critical in a digital world because the one-millionth copy of a digital film is as pristine and pure as the original. The program in question illegally breaks the encryption, leaving the valuable product unprotected.

In 1998, Congress passed and the president signed the Digital Millennium Copyright Act, which expressly made it illegal to traffic in "any technology, product, service, device, component or part thereof that is primarily designed or produced for the purpose of circumventing protection afforded by a technological measure that effectively protects a right of a copyright owner." Wordy prose indeed, but what the Web sites named in our claim have done is exactly what the law forbids. They have circumvented copyright protection illegally and without authorization. If one visits the sites in question, one will see enticements to

"break encryption and copy a DVD onto your hard drive. Decrypt movies and let them be played off your hard drive or off DVD-R [recordable] if you have a burner [recording device]." Pretty blatant stuff.

The intent of these Web sites is clear. Break the encryption. Steal the product. The posting of the hacking code is akin to mass producing and distributing keys to a department store. The keys have only one real purpose: to allow a thief to open a locked door to steal the goods he targets.

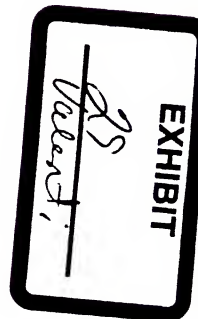
On Jan. 20, U.S. District Judge Lewis A. Kaplan of the Southern District of New York ordered the sites to stop posting the program pending a trial on the suit by the Motion Picture Assn. of America and six film studios. This was a major first-step victory.

In the trial, the defendants no doubt can count on support from activist groups that have been seduced by the hackers' strange ideology, which equates copying and stealing software code with free speech. Some even have dared to assert that since the encryption was hacked, it wasn't tough enough to begin with. This is no different from saying that breaking narcotics laws is OK because it can be done.

The producers of artistic works did not labor over their creations for months and years simply to see a band of cyber-thieves gain applause for stealing their work. The industry's filing of a claim against these Internet hackers is the first major test of whether the congressional guard dog has any teeth.

Those who passionately believe in freedom of expression and consumers who value creative storytelling have a lot on the line as the judge considers this matter.

Jack Valenti is president and chief executive of the Motion Picture Assn. of America.



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